

Remarks/Arguments

Please reconsider the application in view of the above amendments and the following remarks.

Status of Claims and Claim Amendments

Claims 1-14 remain pending. Independent claim 1 and dependent claims 2-4, 8 and 10-14 have been amended. Specifically, said claims have been amended to recite that the second communications port is of the imaging device, and that the stored firmware is of the imaging device. Support can be found in Fig. 1 and paragraphs [0022] and [0023] of the published application. Accordingly, no new matter has been entered.

Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-14 under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 7,222,339 to Rothman et al. (“*Rothman*”). In response, Applicants respectfully submit that the claims are allowable based upon the following:

The Examiner rejected Applicants argument that the second communications port and the stored stored firmware were of the imaging device because “the features upon which applicant [sic] replies (i.e., “an imaging device such as a printer”) are not recited in the rejected claim(s).” (See Final Office Action p. 10). Applicants have amended independent claim 1 to require, *inter alia*, that the second communications port be of the imaging device and the stored firmware be of the imaging device. Thus, the features are now recited in the amended claims and not just the preamble.

Rothman provides firmware updates to a first computing platform which then interacts with firmware running on other computing platforms to update the firmware for the other computing platforms (see Abstract). *Rothman* describes computing platform infrastructures as being blade server environments (see col. 3, lines 44-47) and being configured to perform server-type functions (see col. 4, lines 45-47). *Rothman* also states that the firmware upgrades may be effectuated across multiple computing platforms, including groups of blades, individual chassis, racks or groups of racks (see col. 9, lines 21-24). However, in no way does *Rothman* teach, suggest or describe a computing platform as being an imaging device such as a printer, scanner,

copier, facsimile machine or multifunction printer nor does *Rothman* teach, suggest or describe updating firmware of an imaging device. Thus, *Rothman* fails to disclose or suggest the claimed invention, and Applicants respectfully submit that amended claim 1, as well as claims 2-14 which depend therefrom, are unanticipated by and allowable over *Rothman*.

Conclusion

For the foregoing reasons, Applicants respectfully submit that no cited reference, alone or in combination with other cited references, teaches, discloses or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or e-mail the undersigned using the contact information provided below.

Respectfully submitted,

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